

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

CHINESE PROGRESSIVE ASSOCIATION,
CHINATOWN RESIDENT ASSOCIATION,
CITY LIFE / VIDA URBANA, SIU TSANG,
FUNG YUNG, YAN HUI, MARIA ALTRECHE,

Proposed Plaintiff-Intervenors

v.

CITY OF BOSTON, MASSACHUSETTS; THOMAS M.
MENINO, in his official capacity as
Mayor of the City of Boston;
BOSTON CITY COUNCIL: MICHAEL F.
FLAHERTY, PAUL J. SCAPICCHIO, JAMES M.
KELLY, MAUREEN E. FEENEY, CHARLES C.
YANCEY, ROB CONSALVO, JOHN TOBIN, CHUCK
TURNER, MICHAEL P. ROSS, JERRY P.
MCDERMOTT, FELIX D. ARROYO, MAURA
HENNIGAN, STEPHEN J. MURPHY; BOSTON
ELECTION DEPARTMENT; GERALDINE CUDDYER,
in her official capacity as Chair of
the Boston Election Department,

Defendants.

CIVIL ACTION No.
05-11598WGY

DECLARATION

THREE-JUDGE COURT
WGY, PS, SL

DECLARATION OF FUNG YUNG

I, Fung Yung, under penalty of perjury, declare the following based on personal knowledge:

1. I was born in Toishan, China, in 1921. I moved to the United States in 1964 and became a United States citizen in 1998. I live at 835 Huntington Avenue, Apartment 1109, in Boston, Massachusetts.

2. I registered to vote for the first time in 2004 and voted in the September and November elections in 2004. I waited for ten years after becoming a citizen to vote for the first time because I do not know English and did not expect that there would be any assistance at the polls in Chinese. Most of the time when I have sought public services there is no one who speaks Chinese.

3. I vote at Mission Park, which is near my apartment building. On the day of the election in November 2004, Helen Hui of the Chinese Progressive Association knocked on my door to see if I had voted. If Helen had not knocked on my door and been available to help translate for me, I would not have gone to vote. A neighbor of mine, Mr. Tse, went with us to vote as well. Helen first went into the polling place to help Mr. Tse and then came out to get me. We went into the polling place together. Helen told the poll worker my address. The poll worker gave me a ballot. Helen explained the ballot to me, including where the ovals were that I had to fill in to vote. Helen went back outside. A poll worker directed me to the voting booth, and I went to the voting booth myself. I wish Helen had stayed with me to help me in the voting booth and through the rest of the voting process, but I could not ask her to stay because there were other voters who needed her help.

4. Based on my personal experience as a member of the Chinese American community in Boston, I believe that more Chinese voters would go to vote if there were Chinese-speaking poll workers and a ballot translated into Chinese.

I declare under the penalty of perjury and pursuant to Title 28 of the United States Code, Section 1746, that the foregoing is true and correct to the best of my knowledge, recollection, and belief. I have reviewed this declaration with Karen Chen of Chinese Progressive Association, who translated it into Chinese, and believe it accurately reflects my statements and experience.

Dated: 9/1/2005


Fung Yung

I, Karen Chen, certify under penalty of perjury that I am fluent in both Chinese and English and that I have correctly and accurately translated this document from English to Chinese and that Fung Yung has assured me that he understands this document.

Dated: 9/1/2005

